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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

GILLIGAN, CHRISTOPHER L

ART UNIT	PAPER NUMBER
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3626

DATE MAILED: 05/26/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/578,664

Applicant(s)

REEVES, WILLIAM

Examiner

Luke Gilligan

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 March 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 89-108 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 89-108 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Response to Amendment

1. In the amendment filed 3/10/06, the following has occurred: claims 89, 98, 107, and 108 have been amended. Now, claims 89-109 are presented for examination.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 89-108 are rejected under 35 U.S.C. 103(a) as being unpatentable over DeLaHueriga, U.S. Patent No. 6,408,330 in view of Uchida, U.S. Patent No. 6,370,258.

4. As per claim 89, DeLaHueriga teaches a computer system for inputting, storing, organizing, authenticating, retrieving medical records, clinical data, and patient data, the system comprising: means for converting medical records, clinical data, and patient data to digital records using a digitizing process (see column 44, lines 23-32); means for assigning and embedding a unique patient identifier into each said digital record during said digitizing process (see column 37, lines 49-55); means for assigning and embedding a first digital physician signature watermark into each said digital record during said digitizing process (see column 44, lines 23-32); memory for storing said digital records within said computer system and means for storing and retrieving said digital records from said memory (see column 10, lines 23-32); a physician signature database having a plurality of physician names and corresponding second digital physician signature watermarks stored therein, means for authenticating said digital records including means for comparing a first digital physician signature watermark retrieved from a selected one of said digital records with a corresponding one of said second digital

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physician signature watermarks retrieved from said physician signature database, and means for outputting said digital records (see column 13, lines 4-16).

5. DeLaHuerga does not explicitly teach an optical scanner for performing the conversion, matrixing, and embedding functions as claimed. Uchida teaches an optical scanner for converting documents to digital records (see column 2, lines 23-29); said optical scanner creating a digital data matrix layer of said digital records (see column 3, lines 32-51); said optical scanner simultaneously assigning, embedding and matrixing a unique identifier watermark into each said digital record matrix layer during said digitizing process (see column 4, lines 14-25), wherein the type of watermark information to be embedded can be selected by the user (see column 4, lines 34-63). It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the scanning, matrixing, and embedding functionality described by Uchida into the system of DeLaHuerga. One of ordinary skill in the art would have been motivated to incorporate such functionality for the purpose of enhancing the ability of preventing unauthorized use of digitized documents within the system of DeLaHuerga (See column 1, lines 14-25 of Uchida).

6. As per claim 90, DeLaHuerga in view of Uchida teach the system of claim 89 as described above. DeLaHuerga further teaches said stored digital records are accessible using at least one of said patient identifier, said first physician signature, a biometric characteristic of a user, and a system password (see column 14, lines 15-27).

7. As per claim 91, DeLaHuerga in view of Uchida teach the system of claim 89 as described above. DeLaHuerga further teaches said digital records are accessible via at least one of a computer network, a telephone, a voice recognition system, a data access system (see column 10, lines 14-22).

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8. As per claim 92, DeLaHuerga in view of Uchida teach the system of claim 89 as described above. DeLaHuerga further teaches said digital records are stored in a format including at least one discrete data field, wherein said data records are retrievable based on at least one of the age of said clinical data, the severity of said patient's medical condition, and the medical relevance of said clinical data in treating said patient (see column 37, lines 49-55).

9. As per claim 93, DeLaHuerga in view of Uchida teach the system of claim 89 as described above. DeLaHuerga further teaches said digital records can be updated on a 24 hour basis via one of a computer network, a telephone system, a data access system (see column 10, lines 14-22).

10. As per claim 94, DeLaHuerga in view of Uchida teach the system of claim 89 as described above. DeLaHuerga further teaches said stored digital records are encrypted (see column 22, lines 6-11).

11. As per claim 95, DeLaHuerga in view of Uchida teach the system of claim 89 as described above. DeLaHuerga further teaches a smart bracelet that a patient can wear corresponding to at least one of a computer system and a patient identifier, identification means for indicating that said patient has a medical condition and digital records corresponding to said patient are accessible via said computer system (see column 20, line 64 – column 21, line 2).

12. As per claim 96, DeLaHuerga in view of Uchida teach the system of claim 95 as described above. DeLaHuerga further teaches said medical records can be accessed, updated, and changed on a 24 hour basis using at least one of the Internet, an Intranet, a telephone system, a data access system (see column 10, lines 14-22).

13. As per claim 97, DeLaHuerga in view of Uchida teach the system of claim 89 as described above. DeLaHuerga further teaches a plurality of computers or workstations coupled

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to said memory for simultaneous access, processing or transmitting of said digital records (see column 17, lines 20-35).

14. Claims 98-106 contain substantially similar process limitations to system claims 89-97 and, as such, are rejected for similar reasons as given above.

15. As per claim 107, DeLaHuerga teaches a computer system for inputting, storing, organizing, authenticating, retrieving medical records, clinical data, and patient data, the system comprising: means for converting medical records, clinical data, and patient data to digital records using a digitizing process (see column 44, lines 23-32); means for assigning and embedding a first physician biometric characteristic into each said digital record during said digitizing process (see column 44, lines 23-32); means for storing said digital records therein (see column 14, lines 15-27); means for authenticating said digital records including comparing a second physician biometric characteristic obtained during a login process to said first physician biometric characteristic (see column 14, lines 15-27).

16. DeLaHuerga does not explicitly teach an optical scanner for performing the conversion, matrixing, and embedding functions as claimed. Uchida teaches an optical scanner for converting documents to digital records (see column 2, lines 23-29); said optical scanner creating a digital data matrix layer of said digital records (see column 3, lines 32-51); said optical scanner simultaneously assigning, embedding and matrixing a unique identifier watermark into each said digital record matrix layer during said digitizing process (see column 4, lines 14-25), wherein the type of watermark information to be embedded can be selected by the user (see column 4, lines 34-63). It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the scanning, matrixing, and embedding functionality described by Uchida into the system of DeLaHuerga. One of ordinary skill in the art would have been motivated to incorporate such functionality for the purpose of enhancing the ability of

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preventing unauthorized use of digitized documents within the system of DeLaHuerger (See column 1, lines 14-25 of Uchida).

17. Claim 108 contains substantially similar process limitations to system claim 107 and, as such, is rejected for similar reasons as given above.

Conclusion

18. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Rhoads teaches a system for embedding watermarks into scanned security documents.
- Powell teaches a system for embedding digital signatures into scanned documents.

19. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Luke Gilligan whose telephone number is (571) 272-6770. The examiner can normally be reached on Monday-Friday 8am-5:30pm.

20. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Thomas can be reached on (571) 272-6776. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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21. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

5/24/06


C. LUKE GILIGAN
PATENT EXAMINER